

Sunset Committee Meeting Minutes

1.18.17

Chair Bolden called the meeting to order at 3:06 p.m. Members present included Vice Chair Bennett and Reps. Dukes and Spiegelman. Representative B. Short was also present. For a list of guests present, please see the attendance list below.

Chair Bolden introduced **HB 35, AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE BOARD OF MASSAGE AND BODYWORK.**

Chair Bolden introduced Representative B. Short, a sponsor of HB 35.

Rep. B. Short gave a brief overview on his sponsorship of HB 35. He said that his constituents were passionate about the issue of illicit massage businesses and how they impacted their neighborhoods. He emphasized that the issue was occurring in surrounding districts along with his own.

Chair Bolden asked Rep. B. Short if HB 35 intends to enforce regulations to be sure that massage businesses are operating legally.

Rep. B. Short said that was the purpose of the bill. He continued, saying illicit businesses hurt the reputation of legitimate massage businesses.

Chair Bolden then inquired about the investigative position. She asked if there would be a fiscal note attached to the bill due to the position.

Rep. B. Short responded that there is not a fiscal note for the bill. The position mentioned in HB 35 is a contract position. He said that other businesses in Delaware would not be paying for the contract position. He said the funding will be worked out in the near future.

Chair Bolden asked if the person who acquired the position would be working for all three counties.

Rep. B. Short said the position would be statewide. He came to this decision under the advisement of Director Mangler, who was present during the meeting.

Chair Bolden then asked for clarification of line forty-one in HB 35.

Rep. B. Short explained the line, saying that to be recognized as a legal and legitimate massage establishment the business needs to obtain a license. The license is necessary for the investigator to know which businesses are legitimate.

Chair Bolden continued, inquiring about the purpose of corporations being included in line forty-one.

Rep. B. Short said they are in that line due to the amount of privacy laws in Delaware that surround corporations.

Chair Bolden asked the committee members for questions and comments. There were none.

Chair Bolden opened the floor for public comments. Chair Bolden called on Wayne Smith from the Delaware Healthcare Association.

Mr. Smith suggested they add an amendment to line fourteen of the bill, stating that facilities would not require licensure. This amendment would exclude hospitals and long-term facilities.

Rep. B. Short added on to what Mr. Smith said, saying massage therapists that work out of their home are also excluded from the licensure.

There were no further comments from Mr. Smith.

Chair Bolden then introduced Sandra Jachimowski, board member for the Board of Massage and Bodywork.

Ms. Jachimowski wanted to know how the bill would establish legitimate massage establishments. She said her concern was with the illicit spas and massage parlors being able to advertise themselves with the label "massage". She stressed that the illicit businesses are not "massage" businesses.

Chair Bolden asked if Ms. Jachimowski would like to see a more specific definition for the phrase "illicit massage businesses".

Rep. B. Short specified that definitions will be included in the regulations of HB 35.

Ms. Jachimowski expressed that this bill should not be an end all. She stated that police officers should still be available for investigations when necessary.

Chair Bolden stated that additional legislature would be welcomed. There were no further comments from Ms. Jachimowski.

Chair Bolden then asked for any other questions and comments from the public. Chair Bolden called on Sandy Spence from the League of Women Voters.

Spence simply thanked the Rep. B. Short for this legislation.

Rep. Bennett moved to release this bill from committee; Rep. Dukes seconded the motion. The motion carried. Yes = 4 (Chair Bolden and Reps. Bennett, Dukes and Spiegelman); No = 0; Absent = 1 (Rep. Brady). The bill was released from committee with a F=4, M=0, U=0 vote.

Chair Bolden adjourned the meeting at 3:28 p.m.

Respectfully submitted by:

Jennifer Jankowski

In attendance:

Aaron Goldstein-DDOJ

Art Jenkins-COO

David Mangler-Professional Regulation

Shauna Slaughter-Professional Regulation

Joanne Finnigan-DHSS

Patricia Davis-DDOJ

Zoe Plerhoples-DDOJ

Kim Siegel-DOJ

Julie Fedele-Division of Research

Lexi West-Division of Research

A.J. Dillione-House CA

Sandy Spence-League of Women Voters

Kim Gomes-The Byrd Group

Wayne Smith-DHA

James Nutter-Parkowski, Guerke & Swayze, P.A.